

**FY 2021 BUDGET HEARING SUMMARY NOTES**  
**HOUSE COMMITTEE ON ENERGY AND COMMERCE HEARING, FEBRUARY 27, 2020, 10am**

*[Disclaimer: The hearing summary notes below are most pertained to OCSPP and not a full and complete recitation of hearing dialogue and are not verbatim. These notes are intended to capture the nature and scope of the comments in broad terms. Please refer to the video link and/or official hearing transcripts for full dialogue. Time mark referenced below for video viewing convenience.]*

Video link: [ HYPERLINK "[https://www.youtube.com/watch?v=iaMMJcpA\\_zU](https://www.youtube.com/watch?v=iaMMJcpA_zU)" ]

Shimkus, IL (39:28): Can you tell me about the progress EPA has made under the **PFAS Action Plan**?

Administrator: proposed an MCL for two PFAS substances last week, issued the groundwater guidance in December, added 172 of the PFAS chemicals to the TRI Inventory, last week we published a PFAS SNUR, proposed draft toxicity assessments last year and will finalize them this year. We've increased our request for general PFAS research and proposed funding \$5M in research grants for agricultural communities. And just this week we issued the PFAS Action Plan Program Update where you can find all of this outlined and more.

Shimkus, IL (40:58): What can we expect to see from this agency in the next six months on **PFAS**?

Administrator: In the next six months, we will be finalizing the toxicity assessments that we released this past fall; making progress on the TRI side as well; we're taking the next steps on the MCL; and we'll be focusing on four different areas of research.

Tonko, NY (47:40): You stated that you proposed a **PFAS MCL** last week that is potentially years away from a regulatory determination, correct?

Administrator: Yes, that's correct.

Blunt Rochester, DE (54:12): TRI is an essential tool for communities **Right to Know** when there is a chemical release. Why have you proposed to cut the **TRI program** by one third?

Administrator: I fully support the program. We've made some tough decisions. We believe the amount of resources we've requested will be able to continue the program as it is today. If you look historically at the resources that this program has utilized, we've gotten more efficient, more effective at running the program.

Blunt Rochester, DE (55:43): I'm working on legislation to strengthen the **TRI program** by requiring an annual public meeting to be held by covered facilities and following any significant toxic releases. What is EPA doing to require TRI covered facilities to inform communities along their fence line when a release occurs?

Administrator: The TRI program doesn't require reporting to local communities, but by reporting the information publicly, local communities have access to that information.

Blunt Rochester, DE (56:50): I'm concerned about these proposed budget cuts. Congress just expanded the mandate of the **TRI program** to require reporting of PFAS chemical releases. What is your plan to implement these new reporting requirements and can you explain why you're not asking for additional resources? On one hand you mentioned program efficiencies, on the other, you mentioned that you have **1,000 vacancies**.

Administrator: We hired 1,000 people over the last year. We also lost 900 last year. We are having that problem. We spent a lot of time and resources two year ago trying to hire new risk assessors in our Toxics program. We hired 30 new risk assessors in the program. In the same time that year, we lost 30 risk assessors. We're now looking to hire risk assessors in our **RTP facility**. Because of the number of universities in that area, we believe we can attract recent graduates that want to stay in that area.

Blunt Rochester, DE (58:04): The **Research and Coordination Plan for Enhanced Response on Emerging Contaminants** was enacted last year. This requires the Administrator to establish a working group to coordinate research and response on emerging contaminants. Can you tell us the status of the efforts to implement those requirements?

Administrator: [EPA to follow up]

Johnson, OH (59:25): In your testimony, you mention that the **PFAS Action Plan** is the first multi-media, multi-program, national research management and risk communication plan to address this large class of chemicals. For those that don't deal with this vernacular, can you explain what this means?

Administrator: This is the first time EPA has used all of our statutes in all of our program offices to work on one emerging chemical class like this. I sat down with the heads of all of our program offices in developing this Action Plan, the work of the Action Plan is developed by the career staff. I asked them to be creative in how to use all of our statutes, what we can do to address this. However, if we jump too far on PFAS, on the MCL for example, we're taking resources away from other potential contaminants. We need to be sure we're focusing on where the problems are on PFAS. This is a unique collaborative effort at EPA.

Johnson, OH (1:02:06): What prompted EPA to move away from a traditional approach to this type of **[multi-media, multi-NPM] approach**?

Administrator: Historically our program offices have operated in a siloed fashion. We haven't done a good job of talking between programs. I'm trying to tear down the walls between those different silos to have a more multi-media approach. We have a PFAS Action Team in the agency with senior representatives that participate. On a weekly basis we meet to discuss everything that's happened over the previous week to make sure everyone stays on track.

DeGette, CO (1:18:04): The EPA doesn't appear to be carrying out several of its critical **responsibilities under TSCA**. Is there any documentation associated with any of the following EPA responsibilities? If documentation does exist, we would like to have it. If documentation does not exist, we would like to know in writing why it doesn't.

1. The EPA recently allowed new chemicals with identified risks to workers to be permitted to enter into the market without restrictions. Does EPA have a document that explains the basis for its belief for why this comports with the law?

Administrator: I'd need to know what chemical you're referring to. [DeGette to send chemical specifics to EPA. Administrator to supplement response.]

2. EPA is mandated to consider all known exposures to a chemical in its reviews of existing chemicals, but it has asserted discretion to ignore some exposures. Does EPA have a procedure for deciding how to exercise the purported discretion?

Administrator: Yes, we have a procedure and can provide that documentation. [EPA to provide]

3. I understand EPA has not required any testing of chemicals to inform the reviews of potential risk. Does EPA have a procedure for when to require such testing?

Administrator [EPA to follow up]

*DeGette to send additional questions due to expiration of time.*

Schakowsky, IL (2:12:40): When TSCA was amended, there was hope that a strong regulatory program would restore consumer confidence and public trust. That has not happened. We have seen little action on dangerous chemicals. Your budget proposal reduces **Toxics Risk Review and Prevention** [Program Area] by more than 20%, including eliminating the Endocrine Disruptor program, the Pollution Prevention program and the Lead Risk Reduction program. How can you justify those cuts?

Administrator: We are still requesting funding for Lead Reduction programs [*note that STAG Lead is continued in FY21, EPM LRRP is eliminated*]. And on Endocrine Disruptors, our Research Office still does research on endocrine disruptors. While we are phasing out one part of the program, we are continuing the other, that being the research component in ORD.

Schakowsky, IL (2:14:00): What part are you getting rid of? Why? I would like an answer. What are you cutting when you eliminate the **Endocrine Disruptor program**?

Administrator: [EPA to follow up on EDSP]

Administrator: On the TSCA aspect, we are in line on the existing chemicals program. We have released seven of the ten risk assessments for public comment. The other three will be forthcoming. We intend to meet our deadline of this summer for the first the chemicals. We've proposed the second twenty chemicals under the law. And we've met every deadline that the law has put out for us. On the new chemicals, the backlog is down significantly: last year we had a backlog of 131 that we've had for more than 90 days; that is now down to 32.

Schakowsky, IL (2:15:27): I was part of the Consumer Product Protection Enhancement Improvement Act which dealt with the issue of phthalates. Why is there a **re-review of phthalates**?

Administrator: [EPA to follow up]

Schakowsky, IL (2:16:15): When it comes to lead, millions of people are not able to drink their water. Why are you proposing to reduce or eliminate the **Lead Risk Reduction program**?

Administrator: We've asked for additional funding through the White House Lead Exposure Reduction initiative, which includes \$10M in lead grants, \$20M reducing lead in drinking water, \$10M lead research, \$5M lead testing in schools, and \$5M school fountain replacements. The Lead Based Paint program will primarily focus on firm and individual certifications and will further efforts outlined in the agency's Lead Action Plan. We've provided a \$10M increase for the Lead Categorical Grant program to support state level action to address lead exposure.